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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No.

2012-50

12 **RAMON ABENA RUEDA**
9208 Willis Ave.
13 Panorama City, CA 91402-1232

A C C U S A T I O N

14 Registered Nurse License No. 672460

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about January 26, 2006, the Board of Registered Nursing (Board) issued
23 Registered Nurse License No. 672460 to Ramon Abena Rueda (Respondent). The Registered
24 Nurse License was in full force and effect at all times relevant to the charges brought herein and
25 will expire on November 30, 2011, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
2 functions, and duties of a registered nurse, in which event the record of the conviction shall be
3 conclusive evidence thereof."

4 7. Section 2764 provides, in pertinent part, that the expiration of a license shall not
5 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
6 to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the
7 Board may renew an expired license at any time within eight years after the expiration.

8 REGULATORY PROVISIONS

9 8. California Code of Regulations, title 16, section 1444 states, states in pertinent part:
10 "A conviction or act shall be considered to be substantially related to the qualifications,
11 functions or duties of a registered nurse if to a substantial degree it evidences the present or
12 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
13 safety, or welfare."

14 COST RECOVERY

15 9. Section 125.3 provides, in pertinent part, that the Board may request the
16 administrative law judge to direct a licensee found to have committed a violation or violations of
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case.

19 FIRST CAUSE FOR DISCIPLINE

20 (Conviction of a Substantially Related Crime)

21 10. Respondent is subject to disciplinary action under section 2761, subdivision (f) and
22 490, in conjunction with California Code of Regulations, title 16, section 1444, in that
23 Respondent has been convicted of a crime substantially related to the qualifications, functions, or
24 duties of a registered nurse. On or about May 12, 2010, after pleading nolo contendere,
25 Respondent was convicted of one misdemeanor count of violating Penal Code section 273A,
26 subdivision (a) [inflicting injury upon child] in the criminal proceeding entitled *The State of*
27 *California v. Ramon Abena Rueda* (Super. Ct. Los Angeles County, 2010, No. 9BR03564). The
28 Court sentenced Respondent to 1 day in Los Angeles County jail and placed him on 48 months of

1 probation, with terms and conditions. The circumstances surrounding the conviction are that on
2 or about November 3, 2009, Respondent physically abused his then 16-year-old daughter by
3 punching her in the face several times. And while his daughter was on the ground, Respondent
4 kicked her several times in the stomach for allegedly taking his camera.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Unprofessional Conduct)**

7 11. Respondent is subject to disciplinary action under section 2761, subdivisions (a) and
8 (d), in that on or about November 3, 2009, Respondent committed acts which constitute
9 unprofessional conduct. Complainant refers to, and by this reference incorporates, the allegations
10 set forth above in paragraph 10, as thought set forth fully.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Board of Registered Nursing issue a decision:

- 14 1. Revoking or suspending Registered Nurse License No. 672460, issued to Ramon
15 Abena Rueda.
- 16 2. Ordering Ramon Abena Rueda to pay the Board the reasonable costs of the
17 investigation and enforcement of this case, pursuant to section 125.3; and
- 18 3. Taking such other and further action as deemed necessary and proper.
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21 DATED: July 25, 2011

22 *for* LOUISE R. BAILEY, M.ED., RN
23 Executive Officer
24 Board of Registered Nursing
25 Department of Consumer Affairs
26 State of California
27 Complainant
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